



11/24

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : Customer No.: 035811
Examiner :
Serial No. : 10/562,515
Filed : December 28, 2005
Inventor : Jérôme Chouraqui Docket No.: BDM-05-1839
Title : METHOD FOR DISPLAYING PERSONAL Confirmation No.:
: INFORMATION IN AN INTERACTIVE
: TELEVISION PROGRAMME
Dated: July 17, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Certificate of Mailing Under 37 CFR 1.8

For

Postcard
Transmittal Letter
English Translation of the Written Opinion

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

Name of Applicant, Assignee, Applicant's Attorney
or Registered Representative:

DLA Piper Rudnick Gray Cary US LLP

Customer No. 035811

By: *Alexia A. Silghman*

Date: 7/17/06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We enclose a copy of an English translation dated May 29, 2006 of the Written Opinion of the International Searching Authority for the Examiner's convenience.

Respectfully submitted,

T. Daniel Christenbury
Reg. No. 31,750

TDC/as
(215) 656-3381

TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ

(chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire 33761/PCT	POUR SUITE À DONNER Voir le point 4 ci-dessous	
Demande internationale no. PCT/FR2004/001726	Date du dépôt international (<i>jour/mois/année</i>) 02 July 2004 (02.07.2004)	Date de priorité (<i>jour/mois/année</i>) 02 July 2003 (02.07.2003)
Classification internationale des brevets (8 ^e édition, sauf indication d'une #dition ant#rieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237		
Déposant NPTV		

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 7 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

- | | |
|--|---|
| <input checked="" type="checkbox"/> Cadre n° I | Base de l'opinion |
| <input checked="" type="checkbox"/> Cadre n° II | Priorité |
| <input type="checkbox"/> Cadre n° III | Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle |
| <input type="checkbox"/> Cadre n° IV | Absence d'unité de l'invention |
| <input checked="" type="checkbox"/> Cadre n° V | Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration |
| <input type="checkbox"/> Cadre n° VI | Certains documents cités |
| <input checked="" type="checkbox"/> Cadre n° VII | Certaines irrégularités relevées dans la demande internationale |
| <input type="checkbox"/> Cadre n° VIII | Certaines observations relatives à la demande internationale |

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

Date d'établissement du présent rapport 29 May 2006 (29.05.2006)	
Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Fonctionnaire autorisé Beate Giffo-Schmitt
no de télécopieur +41 22 740 14 35	no de téléphone : +41 22 338 87 20

PATENT COOPERATION TREATY

Translation

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference
33761/PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/FR2004/001726

International filing date (day/month/year)

02.07.2004

Priority date (day/month/year)

02.07.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

NPTV

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/001726

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/001726

Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/001726

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4, 10, 11	YES
	Claims	1-3, 5-9, 12-18	NO
Inventive step (IS)	Claims		YES
	Claims	1-18	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations:

1. Reference is made to the following document in the present notification:

D1: WO 02/32134 A (EEROLA TUOMAS; HEIMO LEENA (FI); ALMA MEDIA OYJ (FI); HAERKOENEN J) 18 April 2002

2. Document D1 describes (abstract, page 2, line 8 - page 3, line 26; page 6, lines 9-36; fig. 1) :
- A method of displaying personal information in an interactive television programme comprising:
- a step of acquiring the personal information with the aid of personal equipment;
 - a step of transmitting the said personal information to a content broadcast server;
 - a step of processing the information originating from the content broadcast server, consisting in placing it in a format intended to be exploited by the application software of the interactive television and in encapsulating these data in a video stream transport format, characterized in that the said encapsulated data are broadcast in multiplex mode with the video streams corresponding to the televised programme

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/001726

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

associated with the said personal information,
and in that it furthermore comprises a step
activatable by the user of simultaneous
displaying and de-displaying of an item of video
information and of the said personal
information.

2.1 INDEPENDENT CLAIM 1

Consequently, document D1 describes in combination
all the features defined in independent claim 1. The
subject matter of this claim is therefore not novel
(PCT Article 33(2)).

3. DEPENDENT CLAIMS 2-17

The claims contain no features which, in combination
with the features of any claim to which they refer,
meet the requirements of the PCT in respect of
novelty and inventive step (PCT Article 33(2) and
(3)).

4. INDEPENDENT CLAIM 18

The same reasoning of point 2.1 applies, *mutatis
mutandis*, to the subject matter of the independent
system claim 18.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/001726

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

A system claim is regarded as being a device claim and not as a method or process claim. Thus to satisfy the clarity requirement of PCT Article 6, the system which is the subject matter of claim 18 ought to be defined in terms of device features and not by the steps of a method or process.